



**Santa Cruz County
Community Development Department**

Airport - *Larry Tiffin*
Building - *Robert Banzhof*
Central Permits - *Norma Northcross*

Mary Dahl, Director

RE: Applicability of Land Use Element and Other Elements to Requirement for Rezoning
Conformity with Comprehensive Plan – Portion of Parcel No. 112-43-001

DATE: November 24, 2014

BACKGROUND: The above-referenced property is situated to the northeast of the Rio Rico South Industrial Park and southwest of the Santa Cruz River. The owner, Baca Float #3, purchased the land from Rio Rico Properties, (Avatar) in October of 2013.

The property is zoned General Rural (GR), which is a residential zoning district with a minimum lot size of 180,000 square feet. The parcel to which the property belongs encompasses a large area of the river corridor and includes floodway and floodway fringe (floodplain). In general, this land has been used for agricultural and grazing purposes over the years although the international wastewater treatment plant is situated adjacent to the existing industrial park and, of course, the railroad tracks run right up the river valley. Figure 1 shows the railroad, a corner of the treatment plant and the proposed conceptual industrial park expansion outlined in teal.

Baca Float #3 contacted this office requesting information on extending the industrial park by adding an additional 10 or so industrial lots to the existing inventory of approximately 72 industrial properties. They had evaluated the floodplain issues and determined that such an expansion was possible within the strictures of the County's floodplain regulations.

Additionally, Baca Float #3 is participating with the County in a master drainage study of the industrial park to determine an engineering solution for the ponding, flooding and subsequent chronic road damage that occurs during storm events. The solution will likely involve the Baca Float lands.



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It is the owner's desire to seek a rezoning of this property (about 30 acres) from GR to M-1 (light Industry).

Arizona Revised Statutes §11-814 reads:

Rezoning; conditional zoning change; notice; hearing; citizen review; definition

A. All rezonings adopted under this article shall be consistent with and conform to the adopted comprehensive plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed rezoning to the adopted comprehensive plan, the rezoning shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the comprehensive plan. A rezoning conforms with the comprehensive plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the comprehensive plan.

The property is designated Ranch in the County Comprehensive Plan (the "Plan") and is situated in the Central Santa Cruz County (Greater Rio Rico) Character Area. Table 2 of the Plan does not list M-1 as a permitted zoning district in the Ranch Land Use Plan Category.

DISCUSSION: As evidenced by the applicable statute, the Land Use Category is not the only factor in determining consistency of a rezoning proposal to the Comprehensive Plan. "Goals, policies and applicable elements" of the plan may also be considered. In drawing the Land Use Element Map, it was not possible to consider the unique aspects of each and every parcel of land nor to analyze each parcel's suitability for development based on the Land Use Element and all other applicable codes and regulations. When the entire river parcel was designated Ranch in the Plan in 2004, it was within the context of the existing use of the property as agricultural and grazing and the presence of the river and its associated flood-prone areas, which limit development significantly when present.

The other elements to consider when evaluating a rezoning proposal for consistency with the County Comprehensive Plan include Character Area and Growth Area.

CHARACTER AREA: As mentioned, this property is situated in the Central County (Greater Rio Rico) Character Area (CCCA) in the Plan. In the description of the CCCA, it is stated that the character of the area "is primarily derived from the current and past land use patterns of Rio Rico." That character can be described and broken down as follows: Industrial and commercial uses along the frontage roads; dense residential uses where topography permits and infrastructure is in place, and; large lot residential uses away from the interstate and core areas. The Plan description also makes reference to the fact that the existing industrial park offers employment to the residents of Rio Rico as well as other areas. Potential for growth is also referenced, in particular as relates to the principal transportation corridor along Interstate 19 and the associated commercial and industrial uses already in place.

There are five goals listed as especially germane to the CCCA.

1. THE HISTORIC, CULTURAL, RANCH AND AGRICULTURAL HERITAGE OF SANTA CRUZ COUNTY IS PRESERVED THROUGH LAND USE PATTERNS AND DEVELOPMENT STYLES.
2. RETAIL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT IS SUITABLY LOCATED, ACCESSIBLE, ATTRACTIVELY DESIGNED, APPROPRIATELY LIGHTED AND COMPATIBLE WITH ADJACENT LAND USES.

3. NEW DEVELOPMENT SHALL BE DESIGNED TO ENHANCE THE CHARACTER OF THE SURROUNDING AREA.
4. INFRASTRUCTURE IS AT A SCALE THAT CONTRIBUTES TO THE SUSTAINABILITY OF THE NATURAL AND CULTURAL RESOURCES AND ECONOMY OF SANTA CRUZ COUNTY AND A SAFE AND EFFICIENT TRANSPORTATION SYSTEM IS DEVELOPED AND MAINTAINED THAT SUPPORTS THE ECONOMY AND MEETS THE TRANSPORTATION NEEDS OF COUNTY RESIDENTS AND VISITORS. (this is actually a combination of Plan Goals 9 & 18)
5. RESIDENTS AND VISITORS ARE AFFORDED A RANGE OF RECREATIONAL OPPORTUNITIES.
- 6.

Among the comments for these goals are many that speak to the idea of growing the community by creating jobs, supporting the economy, utilizing infrastructure, etc. Below are some quotes from the Plan.

"One of the most important aspects of an active, growing community is the infrastructure that will allow development to support the economy and the needs of an increasing number of residents."

"As part of the CANAMEX Corridor and an important area of potential commerce for Santa Cruz County, the land along the frontage roads of Interstate 19, is the ideal location for retail, restaurants, commercial, and light industrial development."

"The population has grown from 7,000 in 1993 to close to 15,000 in 2003, presenting the opportunity for an increase in local services and employment opportunities." (Note: 2010 Census puts the population of Rio Rico at 18,962)

"...it is essential future developments be master planned and designed to include open space, to consolidate infrastructure requirements...."

All of these goals listed as particularly vital to the CCCA and their accompanying area-specific discussion point to need to encourage orderly growth in Rio Rico while caring for the needs of the residents. This means providing for a variety of housing types for all socioeconomic levels, providing opportunities for local retail, and providing the potential for job creation and job growth. Rio Rico is uniquely positioned to do all three as long as decision-makers capitalize on its strengths, like encouraging commercial and industrial development where it can be built economically and where there is infrastructure to support it.

CONCLUSION: Consideration of rezoning this property to M-1 would further the implementation of and not be contrary to the goals and policies of the Character Area element of the Plan provided the development complies with applicable standards.

GROWTH AREA: The subject property is located along the I-19 Corridor Growth Area in the Plan. Types of activities appropriate for that Growth Area include: *"Warehousing, Highway commercial, Neighborhood retail and services, Hotel, motel and tourism support activities and Moderate and high-density residential"*. The Plan states that the I-19 Corridor is a significant commercial area for the County, arguably the most significant. Additionally, the Growth Area states "the desire of many businesses to be located along a highway to improve their accessibility and visibility."

CONCLUSION: Consideration of rezoning this property to M-1 would further the implementation of and not be contrary to the goals and policies of the Growth Area element of the Plan provided the development complies with applicable standards.

OTHER GOAL AND POLICY CONSIDERATIONS:

Floodplains etc.: Mapped floodplain encompasses the property in question. This is floodplain attributable to the Santa Cruz River. The project would not impact any mapped floodway. The Comprehensive Plan addresses the presence of floodplains, their values and their limitations and the Santa Cruz River primarily through two goals. Those are listed below along with the objectives and policies related to floodplains and the Santa Cruz River.

GOAL 7: WILDLIFE HABITAT AND WILDLIFE MOVEMENT CORRIDORS ARE RECOGNIZED AND PRESERVED THROUGH THE USE OF ESTABLISHED AND INNOVATIVE LAND USE MANAGEMENT TOOLS.

Protected wildlife habitat and movement corridors are essential to preserving wildlife populations. Encroachment by development can undermine both reproduction and recruitment of wildlife populations. Protective measures to preserve habitat will assist at-risk wildlife populations and ensure other populations do not decline.

Objective 7.1 Encourage development patterns that safeguard habitat resources and natural movement of native wildlife while accommodating growth.

Policy 7.1.1 The County will develop and implement a wildlife habitat and corridor plan and ordinance to protect those resources from development.

Policy 7.1.2 The County will work to preserve natural vegetation in buffer areas adjacent to the 100-year floodplains of the Santa Cruz River and Sonoita Creek except for limited purposes such as trail extensions and for wildfire protection.

Objective 7.3 Identify and preserve ecologically significant areas within the County.

GOAL 8: THE SANTA CRUZ RIVER AND ITS WATERSHED ARE CONSERVED AND MANAGED AS "LIVING RIVER" ECOSYSTEMS.

The Santa Cruz River and its tributaries form a crucial and endangered riparian eco-system that supports native deciduous riparian vegetation typified by cottonwood gallery forests that also include alder, sycamore, and willow. This "living river" supports high numbers of bird species, making it attractive as an eco-tourism destination. The river, its tributaries and its watershed are at risk unless strong protective measures are implemented and rigorously enforced.

Objective 8.1 Maintain the integrity of waterway corridors.

Policy 8.1.1 The County will encourage the establishment of conservation easements in riparian zones and associated floodplain and buffer areas.

Objective 8.2 Ensure that development adjacent to the Santa Cruz River and its tributaries is compatible with and supports its function as a "living river" system.

The project as envisioned would benefit not only the river system, but also mitigate flooding issues within the existing industrial park. For years there have been drainage problems in the industrial park that were primarily caused by inadequate fall such that storm water drained into the river. Instead it stood on the roads and in drainage easements. With this project, the plan would be to properly grade the drainage easements and construct a large detention basin. This would get the storm water off roads, into the river system and also into the aquifer through groundwater recharge from the basin.

In addition to the benefits to water supplies, the project planners have a riparian re-vegetation component in the conceptual design which will bring native riverine plant species back to this area. In the opinion of the Floodplain Coordinator, this project is of benefit to the aquifer, the /river's hydrologic system and its vegetation. The benefits for mitigating flooding issues in the industrial park accrue to the County.

For the reasons stated, it is my determination that Baca Float #3 can proceed directly to the rezoning process as, notwithstanding the Land Use Element map and Table 2, the proposal as presented is consistent with other elements and the goals, policies and objectives of the adopted Comprehensive Plan and, in my opinion, furthers the implementation of and is not contrary to the Plan.

APPROVED DECEMBER 1, 2014 by Mary Dahl, Director, Community Development

A handwritten signature in dark ink, appearing to be 'MD' or similar initials, written over a horizontal line.